

MEMORANDUM

December 13, 2004

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: MICHAEL THOMAS, ESQ.
Thomas, Donahue, Thomas & Hurevitz

OWEN L. GALLAGHER
Principal Deputy County Counsel
General Litigation Division

RE: Judy Gulley, and the Estate of Crystal Lee Baize
United States District Court, Case No. CV03-3112 NM (CSx)

DATE OF
INCIDENT: May 8, 2002

AUTHORITY
REQUESTED: \$175,000

COUNTY
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

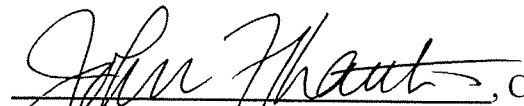
CLAIMS BOARD ACTION:


☐ Approve

☐ Disapprove

☒ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on January 3, 2005

SUMMARY

This is a recommendation to settle for \$175,000, the wrongful death lawsuit brought by Judy Gulley (mother) for the death of Crystal Baize while hospitalized at LAC+USC Medical Center on May 10, 2002. There is no Medi-Cal lien.

LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

SUMMARY OF FACTS

On May 8, 2002, at 8:30 a.m., Crystal Baize, a 39-year-old woman in the custody of the Los Angeles County Sheriff's Department at the Twin Towers Correctional Facility, was transferred to the Emergency Room at LAC+USC Medical Center with complaints of severe chest pain and shortness of breath. She was diagnosed as suffering from a severe inflammation of the walls of the smaller subdivisions of the airway passages of the lungs (bronchopneumonia) due to an infection caused by a bacteria. Ms. Baize was placed on a bed with wheels (gurney), given antibiotics, and she was assisted in her oxygenation by use of an oxygen mask.

At about 10:15 p.m., Crystal Baize requested to go to the bathroom. Nursing personnel removed Ms. Baize's oxygen mask, and allowed her to walk unassisted to the bathroom and back. Removing a patient from assisted oxygen in the face of severe bronchopneumonia may result in a complete cessation of breathing and heart function (cardiopulmonary arrest) due to insufficient oxygen levels. Upon her return from the bathroom, Ms. Baize was noted to be pale. At approximately 10:30 p.m., while sitting on the gurney, Ms. Baize suffered a cardiopulmonary arrest. Restoration of heart and lung function using artificial respiration and manual closed chest compression (cardiopulmonary resuscitation [CPR]) was initiated, and she was resuscitated. However, Crystal Baize remained unresponsive, and her condition continued to deteriorate.

On May 10, 2002, at 4:15 p.m., Crystal Baize died. An autopsy performed by the Los Angeles County Coroner attributed the cause of death to an overwhelming infection (sepsis) resulting from bronchopneumonia. Medical experts will testify that Crystal Baize's cardiopulmonary arrest on May 8, 2002, substantially reduced her ability to recover from her bronchopneumonia, and increased the likelihood of her death.

DAMAGES

If this matter proceeds to trial, the claimants will likely seek the following:

Judy Gulley,	
Loss of Future Support	
Loss of Care, Comfort	
and Companionship	\$550,000
Civil Rights Attorneys Fees	\$250,000
Costs of Litigation	<u>\$ 30,000</u>
TOTAL	\$830,000

The proposed settlement includes:

Judy Gulley,	
Loss of Care, Comfort	
and Companionship	\$100,000
Attorneys Fees (MICRA Estimate)	\$ 55,250
Costs of Litigation	<u>\$ 19,750</u>
TOTAL	\$175,000

STATUS OF CASE

The current trial date has been vacated pending approval of this settlement.

This matter involved complex medical-legal issues surrounding the alleged failure of jail personnel to provide a prisoner immediate medical care, and the alleged failure of jail medical personnel to perform more than a brief and superficial examination of an inmate with a serious medical condition, and the distinct standards of care applicable to each, as well as the care rendered at LAC+USC Medical Center. Also, due to the inability of the parties to reach a reasonable settlement amount until the date on which the trial was to start, it was necessary for the County to be completely prepared for trial, including all motions, opposition to motions, exhibits, jury instructions, and witness preparation.

Expenses incurred by the County of Los Angeles in the defense of this case through December 6, 2004, are attorneys fees of \$78,847 and \$27,577 in costs.

The total cost to the County of Los Angeles, as a result of this settlement, is as follows:

Indemnity (Settlement Amount)	\$175,000
County Attorneys Fees and Costs	<u>\$106,424</u>
TOTAL	\$281,424

EVALUATION

Medical experts will be critical that nursing personnel on May 8, 2002, removed Crystal Baize's oxygen mask, and allowed her to walk unassisted to the bathroom and back. Removing Ms. Baize from oxygen assistance in the face of severe bronchopneumonia fell below the standard of care, resulted in a cardiopulmonary arrest due to insufficient oxygen levels, and substantially contributed to the results observed here.

We join with our private counsel, Thomas, Donahue, Thomas & Hurevitz, and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$175,000.

The Department of Health Services concurs in this settlement.